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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,456	11/15/2001	Paul A.J. Janssen	JAB-1677	4145

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EXAMINER

FORD, JOHN M

ART UNIT

PAPER NUMBER

1624

DATE MAILED: 07/09/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/002456

Applicant(s)

Janssen

Examiner

J.M. Ford

Group Art Unit

1624

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 111; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-4, 6, 11-12, 14, and 16-18 is/are pending in the application.
- Of the above claim(s) 12, 14, 16 and 17 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-4, 6, 11 and 18 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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Applicants response is noted.

The claims in the application are claims 1--4, 6, 11--12, 14 and 16--18.

Claim 1 is rejected under 35 U.S.C. 112, 2nd paragraph. In the triazine classification, and, therefore, the search, <sup>and</sup> the search, the reader of the resulting patent, needs to know what L is. L appear to be alkyl, indolyl, ~~phenyl~~.

The Guanamines are in 544 - subs 205 <sup>and</sup> 206, but only if L being an indole is bonded through carbon. If it is bonded to the nitrogen then the triamine-triazine search is <sup>quite</sup> different. How is the indole bonded to the triazine?

L is very hard to understand.

The L of claim 2 is not in claim 1. The L of claims 3 and 4 are not in claim 1.

Claims 2--4 are rejected under 35 U.S.C. 112, 4th paragraph, as being improper dependent claims.

Claims 6, 11 and 18 are rejected, as being dependent on a rejected claim.

Claims 12, 14, 16 and 17 are outside the invention here.

Claim 12 is outside the invention here, as applicants are entitled <sup>to have</sup> one use of their compounds examined therewith. That use is claim 18, here, not claim 12. The preparation of a composition by mixing is notoriously ~~well~~ known. See EP 834,507.

Claims 14, 16 and 17 are outside the invention, here, as they contain an additional active ingredient. The agreement to examine one compound invention requires the corresponding composition claims to be of the same scope as the examined compound claim. Claim 14, 16 and

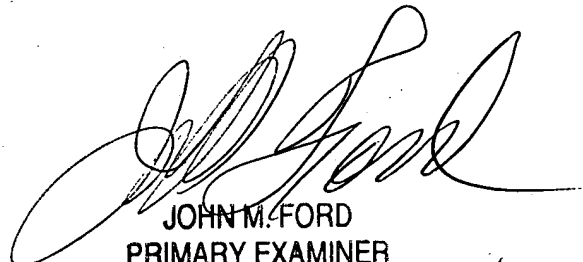
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17 contain an additional active ingredient. Therefore, they are not of the same scope, as the elected and examined compound invention, i.e., claim 1.

Accordingly, claims 12, 14, 16 and 17 stand withdrawn under 37 CFR 1.142(b), as being directed to non-elected subject matter.

John M. Ford:jmr

July 5, 2002

  
JOHN M. FORD  
PRIMARY EXAMINER  
GROUP - ART UNIT 1624